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APR - 4 2005

Before the
Federal Communications Commission
Washington, D.C. 20054

Federal Communication Commission
Bureau / Office

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In the matter of)

FAMILY BROADCASTING, INC.)

Order to Show Cause Why the Licenses for)
Stations WSTX(AM) and WSTX-FM,)
Christiansted, U.S. Virgin Islands,)
Should Not Be Revoked)

EB Docket No. 01-39

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Federal Communications Commission
Office of the Secretary

To: Chief Administrative Law Judge
Richard L. Sippel

Request For Stay in Lieu of Proposed Findings and Conclusions

In the above-captioned proceeding, the Commission set for hearing before you the issue of whether the licenses of Family Broadcasting, Inc. to operate Stations WSTX(AM) and WSTX-FM should be revoked. In your erratum in this matter, released January 12, 2005, you extended the stay you previously granted in this matter until March 1, 2005, but you further ordered that if a related case was not resolved by that time, then the parties hereto should file proposed Findings and Conclusions by April 4, 2005 and Reply Findings and Conclusions by April 19, 2005. In response to that order, I respectfully submit the following:

To the best of my information and belief, based upon statements made to me by the President of Family Broadcasting, Inc., Family will on this date file for bankruptcy protection in the United States Virgin Islands. Pursuant to Section 1.43 of the Commission's Rules and Regulations, under doctrine established in *Second Thursday Corp.* 22 FCC 2d. (1970); 25 FCC 2d. (1970), I hereby respectfully request that you stay all further proceedings in this matter until that matter has been resolved by the bankruptcy court. Further, this request for stay provides good cause within the meaning of Section 1.263 of the Commissions' Rules and Regulations for Family's failure to provide proposed Findings and Conclusions, and should allow for Family's continued participation in this proceeding.

A further stay of this matter will surely be in the public interest. First, the stations will remain on the air serving the needs of the listening community in the United States Virgin Islands with local broadcasters retaining control of the operation. Additionally, innocent creditors will be aided by allowing the station to remain operational and allowing Family to reorganize under

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bankruptcy protection. Finally, government resources will be preserved due to a stay of the hearing process itself.

This matter has been before you for an extensive time. In a related proceeding, In re Applications of FAMILY BROADCASTING, INC., Assignor, and CALEDONIA COMMUNICATIONS CORPORATION, Assignee, for Assignment of Licenses for WSTX(AM) and WSTX-FM, Christiansted, Virgin Islands, File No. BAL-20030304AAX and File No. BALH-20030304AAW, Family has requested the Commission to approve assignment of the licenses that are the subject of this hearing. It is established law that the Commission, in its attempt to ascertain at hearing whether a licensee continues to be a qualified licensee, it cannot make that decision in a vacuum. See *LaRose and Swaggart v. FCC*, 494 F.2d 1145, 161 (U.S. App.D.C. 226), decided March 26, 1974. With respect to the Application for Assignment, the Commission staff initially rejected the Application for Assignment, however, that decision is the subject of a pending APPLICATION FOR REVIEW before the full Commission. Family continues to hope that the full Commission will ultimately reverse the staff decision and grant Family's Application for Assignment under its existing distress sale policy. However, any Commission decision on the matter is still forthcoming.

Due to the Commission's failure to act on the assignment application, Family had no alternative but bankruptcy. Family remains firm in its attempt to assure the continuity of local service to the community and to provide relief to its creditors.

Consequently, on behalf of Family Broadcasting, Inc., I hereby respectfully request that you stay all proceedings in this proceeding. If the request for stay is denied, then I reserve the right to file Reply Findings and Conclusions in this matter.

Respectfully submitted,



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April 4, 2005

CERTIFICATE OF SERVICE

I, Daniel A. Huber, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 4th day of April, 2005, to the following:

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